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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KATHERINE MORENO,

Plaintiff,

-against-

NAVIENT SOLUTIONS, INC..

Defendant.

COMPLAINT

NOW COMES Plaintiff, KATHERINE MORENO (“Plaintiff”), by and through her attorneys, and hereby alleges the following against Defendant, NAVIENT SOLUTIONS, INC. (“Defendant”):

Nature of the Action

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

Parties

2. Plaintiff is a natural person at all times relevant residing in Brick, New Jersey.
3. Defendant is a business entity with headquarters in Delaware.

4. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

5. This Court has subject matter jurisdiction of this action pursuant to 47 U.S.C. § 227(b)(3) and 28 U.S.C. § 1331.

6. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as the acts giving rise to Plaintiffs' cause of action occurred in this district as Plaintiff resides in this district and as Defendant transacts business in this district.

Factual Allegations

7. Defendant places telephone calls to telephone number [REDACTED], which is Plaintiff's cellular telephone.

8. These calls are not for emergency purposes.

9. These calls were to collect payments on a student loan.

10. Upon information and good faith belief, and in light of the frequency, number, nature, and character of these calls, Defendant placed them by using an automatic telephone dialing system.

11. On or about May 3, 2016 at approximately 7:22 p.m., Plaintiff received a call from Defendant on her cell phone and spoke with one of Defendant's employees, an individual identifying herself as Susan Condron.

12. Defendant placed this call from telephone number (617) 762-5954.

13. Plaintiff instructed Defendant to stop calling her cell phone.

14. Plaintiff revoked any consent for Defendant to use an automatic telephone dialing system to call her cell phone.

15. Defendant continued to use an automatic telephone dialing system to call Plaintiff's cell phone after May 3, 2016.

16. Since May 3, 2016, Defendant called Plaintiff's cell phone at least two-hundred forty (240) times.

17. Defendant used an automatic telephone dialing system to place these calls.

18. Defendant placed these calls voluntarily.

19. Defendant placed these calls under its own free will.

20. Defendant had knowledge that it was using an automatic telephone dialing system to place these calls.

21. Defendant willfully used an automatic telephone dialing system to place these calls.

22. Defendant did not have Plaintiff's express consent to place these calls.

23. Defendant knew it did not have Plaintiff's express consent to place these calls.

24. Plaintiff is annoyed and feels harassed by Defendant's calls.

CLAIM FOR RELIEF
Telephone Consumer Protection Act

25. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

26. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiffs to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- 1) Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
- 2) Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
- 3) All court costs, witness fees and other fees incurred; and
- 4) Awarding such other and further relief as may be just, proper and equitable.

Certification Pursuant to Local Rule 11.2

Pursuant to Local Rule 11.2, I certify that this matter in controversy is not the subject of any other action pending in any court, arbitration, or administrative proceeding.

Dated: September 8, 2016

RESPECTFULLY SUBMITTED,

By: /s/ Michael Siddons

Michael Siddons (SBN 89018)

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